



# City of Carmel

## Carmel Board of Zoning Appeals

### Hearing Officer

Monday, April 23, 2007

The meeting was held at 5:30 PM in the Caucus Rooms of City Hall, Carmel, Indiana on Monday, April 23, 2007. The Hearing Officer was Kent Broach.

Department of Community Services Staff in attendance was Angie Conn, Christine Barton-Holmes and Rachel Boone. John Molitor, Legal Counsel, was also present.

#### **D. Public Hearing**

##### **1-3d. Cherry Creek Estates, Sec 1A, lots 1-3**

The applicant seeks the following development standards variance approvals:

**Docket No. 07040001 V Chapter 25.16.12 time limit for model home (lot 1)**

**Docket No. 07040002 V Chapter 25.16.12 time limit for model home (lot2)**

**Docket No. 07040003 V Chapter 25.16.12 time limit for model home/sales office (lot3)**

The sites are located at 5840-5868 Cherry Creek Blvd. and are zoned S-1/Residence-ROSO.

Filed by Ann Walker Kloc of Pulte Homes of Indiana, LLC.

Present for the Petitioner: Ann Walker Kloc, Pulte Homes. These variances are for a two-year extension of the three model homes and sales office permits which were granted three years ago and will expire in May, 2007.

Members of the public were invited to speak in favor or opposition to the petition.

#### Questions:

Patricia Skiles wanted to know what they would be doing.

Mr. Broach explained that it was essentially an extension to have the three model homes at the entrance to the development for sales purposes.

#### Rebuttal:

Ms. Kloc stated the permits for the three model homes would expire May 29, 2007. Without the extension, they would need to close the business.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department recommended positive consideration of these dockets. The buildings currently exist and this would just be a time extension.

Mr. Broach had driven by to look at them and they are very well kept. They look like homes, except for the small signs. Lot 4, where the trailer used to be, was empty.

Ms. Kloc stated that desirable Lot 4 would become available when they sell the model homes. With the traffic from the model homes, they were just maintaining it as an empty lot.

Mr. Broach asked what percentage of the homes was sold.

Ms. Kloc stated they have five sections in the two-story section. Section 4 is almost completed and Section 5 is platted with sales of 40 homes beginning in the next month. The sixth section is the range homes which are platted and three quarters sold.

Mr. Broach **APPROVED Docket Nos. 07040001 V, 07040002 V, and 07040003 V, Cherry Creek Estates, Sec 1A, lots 1-3.**

**4d. Little Farms, Lot 4**

The applicant seeks the following development standards variance approval:

**Docket No. 07030004 V      Section 25.1.1.B.3.a.ii.a      garage setback on corner lot**

The site is located at 1201 E 106th St. and is zoned R-3/Residence within the Home Place Overlay. Filed by Jim McDaniel & Andrea Hern.

Present for the Petitioner: Jim McDaniel, 1201 E. 106<sup>th</sup> Street. This is a vintage home with a small rear external garage on a corner lot with a hill. The lot is an acre, but the space allowed for the garage is not sufficient. They want to stay similar to the area around them without having two external buildings. The current garage is within the 30-foot setbacks, but any addition will put them into the setbacks. They want to be able to add onto the garage and be able to refurbish. It is a 170 year old house and they do not want to destroy anything they don't have to.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department recommended positive consideration of the docket. The petitioner would be adding onto an existing garage.

Mr. Broach had driven by and had seen that they had no way to go except back.

Mr. McDaniel had been working all winter clearing out the overgrowth. The area would be groomed and they would be able to keep it in better condition.

Mr. Broach **APPROVED Docket No. 07030004 V, Little Farms, Lot 4.**

**5d. Village of WestClay, Sec 5001, Lot 444**

The applicant seeks the following development standards variance approval:

**Docket No. 07030028 V      PUD 465-04, Section 22.6      fence height**

The site is located at 13055 Tradd St. and is zoned PUD/Planned Unit Development. Filed by Todd Erb of Sundown Gardens.

Present for the Petitioner: Todd Erb, one of the owners of Sundown Gardens, representing the Westmoreland residence. This home is approximately eleven feet from the next home. The Westmoreland patio space sets down in a courtyard area and is adjacent to the Cole's screen porch which sets about two to two and a half feet above the ground. The two homeowners are interested in creating as much privacy as possible for each of their situations. A standard six-foot fence would not do the visual screening necessary. Both parties agreed to raise the height of the fence to approximately 8 and a half feet which would be beneficial for screening for both parties.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mr. Broach noted that they had received a letter from Brenwick. The letter stated "The Review Board for the Village of WestClay maintains that side yard fences be limited to six feet. Sundown Gardens first proposed this 8' fence in September 2006...The review Board stated flatly that only a 6' fence would be allowed. In October...it was resubmitted...The Board stated that only a 6' fence would be allowed...An on-site meeting...in February to discuss this fence that had been built...approximately 7'3" and the possibility of raising the trellis to 10'. The Board's response was that only a 6' tall fence is allowed, but if a variance was received from the City, we would not force the owners to bring this fence into compliance." Mr. Broach asked if this letter was from the Homeowners Association.

Mr. Erb stated Brenwick was the developer. This was contrary to what he had as a draft, which stated otherwise from Brenwick. It was dated March 2, 2007. A copy of that letter was in the packet.

Mr. Broach felt it was consistent in saying that if a variance was received from the City, they would not force the owners to bring the fence into compliance. There was not an approval from the Homeowners Association.

Mr. Erb stated that upon receipt of the variance, the Review Board would also approve the height of the fence and the proposed change to the height of the trellis. He had verbal approval and that was why he proceeded with the variance. He thought if they had approval for the variance, then Brenwick was fine.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department had not been aware of the letter from Brenwick before today. Upon reviewing the photographs in the packets, the fence is more open toward the top. The Department recommended positive consideration.

Mr. Broach stated that from the pictures, the fence could not be seen by anyone else. There are no other homes that could see it.

Mr. Erb stated the south property was a corner lot. He has letters agreeing to the fence height. To be seen, someone would have to stop and purposely sight down the fence to notice any change.

Mr. Broach **APPROVED Docket No. 07030028 V, Village of WestClay, Sec 5001, Lot 444.**

**6d. TABLED: 10555 Hussey Lane - Accessory Building**

~~The applicant seeks the following development standards variance approval:~~

~~**Docket No. 07030029 V Section 25.01.01.B.1 accessory building height**~~

~~The site is located at 10555 Hussey Ln. and is zoned S-2/Residence.~~

~~Filed by Larry Jones.~~

**7d. Monon & Main, Unit 3H**

The applicant seeks the following development standards variance approval:

**Docket No. 07030030 V PUD Z-462-04, Section 2.13.B 2-car garage requirement**

The site is located at 20 Third St NW. and is zoned PUD/Planned Unit Development.

Filed by Todd Rohrbacher.

Per the Board's request, this item was moved to the full BZA meeting at 6:00 PM in the Council Chambers.

**E. Old Business**

There was no Old Business.

**F. New Business**

There was no New Business.

**G. Adjournment**

The meeting was adjourned at 5:45 PM.

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Kent Broach, Hearing Officer

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Connie Tingley, Secretary